

### **Remarks**

The Examiner's reconsideration of the application is urged in view of the amendments above and comments which follow.

Turning first to new claims 21 through 28, new claim 21 is the combination of claims 11 and 17 as indicated to be allowable in the Office Action of January 28, 2003. Depending claims 22 through 28 correspond, respectively, to claims 12, 13, 14, 16, 17, 18, 19 and 20. No new issues have been raised, here, because the claims are therefore simply presented in allowable form.

In the Office Action, the Examiner has objected to use of the word "eccentrically" in claim 11, and in numbered sections 1 and 3 of the Office Action, the Examiner has objected to the specification and rejected the claims under 35 U.S.C. § 112 as being indefinite because of that term. Accordingly, claim 11 has been amended above to delete the term "eccentrically" and to substitute what, in retrospect, is far better terminology. The present invention is directed to a structure where the mast is not placed centrally, because in this case the dishes would overlap. The mast is actually placed in the vicinity of one of the sidewalls, as disclosed in the specification at, for example, page 4, lines 29-34, so that the supports are off-center. The amendments to claim 11 thus provide the following:

a) The first amendment, introducing the side walls, is supported throughout the specification, and gives an antecedent basis to the second amendment

b) "located in the vicinity of one of the side walls" is supported by the specification, page 4, line 29-34, as stated above. When the mast is placed adjacent to one vertical edge, it still responds to the above definition.

As stated in the previous Response, the problem that is solved is that the present chest allows the food to be displayed so that the guests of a party or reception can see at a glance all the varieties of food that are served, make their choice and reach what they like. With the mast so placed, all the supports are borne off-center and can be disposed helically around the strut, no support masking another.

c) Third amendment: the word “eccentrically” is removed, as suggested by the Examiner

Non-relevance of the cited prior art with respect to the present amended claims

The following is presented, given the cited prior art and the rejection of claim 11 (before the above change) under 35 U.S.C. §102:

Claim rejection 35 U.S.C. §102 BALL (U.S. 2,463,506)

Ball discloses a cabinet wherein the supports are centered, so that there is a restricted possibility of showing off the food. Particularly, the supports may rotate only around the central axis of the cabinet, which does not coincide with the axis of the masts. Owing to the difficulty to align the off-centered supports before closing the cabinet, it is unlikely that a person skilled in the art would consider it obvious to modify Ball’s cabinet so as to obtain the food chest of the invention. Ball’s cabinet must be supported by a wall, or to a ceiling (see Col 2, line 42-46) as cited by the Examiner. However, this interpretation of “movable” is completely different from the meaning “movable” would have for a person skilled in the field of the invention, as defined in the preamble of the specification (caterer preparing food on a large scale for parties, marriages, and so on).

Claim rejection 35 U.S.C. §103

Even if he would have combined the teaching of Bugenhagen and of Hoffmann, the person skilled in the art would not have resulted in the food dispensing chest as described in the present application.

As previously argued, the refrigerator of Bugenhagen is provided with a central mast. As displayed in Fig. 1-3, 6, 8, 9, the rotation center of the storage shelves coincides with the mast, contrary to the present food dispensing chest, wherein the mast is placed off-center, in the vicinity of one of the side walls. It is thus not possible to place the shelves of Bugenhagen in a

manner that would allow each support to be placed so that no other support would mask it for food presentation to guests.

Hence, combining the teaching of Bugenhagen with the teaching of Hoffmann (designed so that only one tray is reachable at a time) would not lead to the claimed food dispenser of the invention.

Other prior art cited by the Examiner

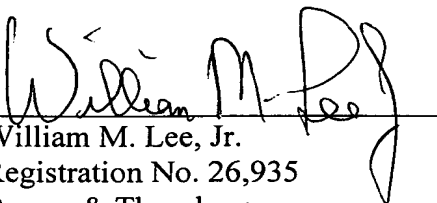
The remaining references cited by the Examiner, particularly Scott (container for garments) and Molovinski (levitation device) are, it is submitted, references that would not reasonably be expected to be considered by a person skilled in the art of catering of food stuffs. Problems solved in the field of garments or in levitation certainly are well outside the scope of what would be considered.

It is therefore submitted that claim 11, as amended, distinguishes from the prior art and is allowable thereover. The remaining claims depend from claim 11, and are submitted to be allowable, as well. Claims 21-28 are allowable as indicated above.

The Examiner's further and favorable reconsideration of the application is therefore urged.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "William M. Lee, Jr.", written over a horizontal line.

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